

MCDONNELL AIRCRAFT COMPANY

Box 516, Saint Louis, Missouri 63166 (314) 232-0232

09 December 1985

Mr. David A. Wagoner, Director
Air and Waste Management Division
U.S. Environmental Protection Agency, Region VII
726 Minnesota Ave.
Kansas City, KS 66115


REGISTERED MAIL - RETURN RECEIPT REQUESTED

Encl: (1) 16 Feb 84 McDonnell Aircraft Ltr. to EPA Region VII
(2) 03 Apr 84 EPA Ltr. to McDonnell Aircraft
(3) Perchloroethylene from Chem Mill Mask Line, Regulatory
Status, 06 Dec 85.

Dear Mr. Wagoner:

In February 1984, we requested comments from EPA Region VII on whether perchloroethylene recovered from one of our carbon absorption units (air pollution control device) should be treated as a RCRA-regulated hazardous waste. Your reply in April 1984 indicated that it was completely regulated as a "listed" recycled waste under 40 CFR 261.6. We have, therefore, manifested and handled the perchloroethylene as a hazardous waste.

Since that time, EPA has issued final regulations (04 Jan 85) which greatly clarify the regulatory status of recycled secondary materials. Based on our reading of the new regulations, we believe that in our case, the perchloroethylene is not defined as a solid waste because of direct reuse in a commercial product (40 CFR 261.2 (e) as revised). I have described in Enclosure (3) the way perchloroethylene from the Chem Mill Mask Line is generated and reused, along with pertinent citations from the 04 Jan 85 regulations. Please review the enclosures and respond. Until we are able to obtain confirmation from EPA that our reading of the new regulations is accurate, we feel bound by your 03 Apr 84 letter, and must continue to treat this material as a hazardous waste. Please have one of your staff contact me by phone to discuss this case as soon as possible.


J. C. Patterson, Manager
MCDONNELL DOUGLAS CORPORATION - MCAIR
Plant Engineering
Dept 890, Phone 314 233-9824

JCP:vm



R00144303

RCRA RECORDS CENTER

RECEIVED

DEC 12 1985

MCDONNELL DOUGLAS



USEPA, RCRA Branch

RCRA FILE COPY

MOD000121963

DOCUMENT # 1358

16 February 1984

Mr. David A. Wagoner, Director
Air and Waste Management Division
U.S. Environmental Protection Agency
Region VII
324 East Eleventh Street
Kansas City, Missouri 64106

REGISTERED MAIL - RETURN RECEIPT

Dear Sir:


McDonnell Aircraft Company has installed a solvent capture and recovery system on our automated chem-mill mask line. The system consists of three (3) carbon adsorption units. The solvent recovered is perchloroethylene.

The recovered solvent has been analyzed by use of gas chromatography and found to be of a purity equal to that of virgin solvent. Since this is the case, we would propose to return this material to the original manufacturer of our mask material. He then would add this solvent back into another batch of maskant for shipment back to our facility. This mode of operation is expected to result in an annual cost savings of approximately \$20,000.00 in reduced solvent costs.

Since this solvent is essentially of virgin quality, we would like to receive your comments on whether we must ship this material as a Hazardous Waste or as virgin material subject only to DOT standards.

Sincerely yours,

MCDONNELL AIRCRAFT COMPANY


T. W. McMahon, Branch Manager
Environmental Compliance
Dept. 191C, Bldg. 305, L-4W

TWM:bem


MCDONNELL DOUGLAS
CORPORATION



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
324 EAST ELEVENTH STREET
KANSAS CITY, MISSOURI - 64106

APR 03 1984

Mr. T.W. McMahon
Branch Manager, Environmental Compliance
McDonnell Douglas Corporation
Department 191C
Building 305, L-4W
Post Office Box 516
Saint Louis, Missouri 63166

EPA I.D. No: MOD000081963

Dear Mr. McMahon:

Pursuant to your request of February 16, 1984 (copy enclosed), this office is providing guidelines for the handling of your recovered, virgin-quality perchloroethylene.

The appropriate action is determined by first identifying the material in question. Following guidelines in the Code of Federal Regulations, Part 261 (40 CFR 261), Subpart A, one may determine that the perchloroethylene from the chem-mask line is defined as a hazardous waste from non-specific sources, F002 (40 CFR Part 261.31).

While some exemptions occur for recycled wastes, your perchloroethylene--despite its purity--is not eligible for these exemptions. According to 40 CFR Part 261.6, "a hazardous waste...is not subject to regulation...[if] It is being accumulated, stored or...treated prior to beneficial use or reuse or legitimate recycling or reclamation...except for a hazardous waste...that is listed in §261.31 [F002, perchloroethylene]." As a hazardous waste, your perchloroethylene is regulated by the Resource Conservation and Recovery Act and its supporting regulations and legislation. Specifically, with respect to generation and transportation of hazardous waste, 40 CFR Parts 262 and 263 apply. It should be understood that the Department of Transportation and the states through which the hazardous waste is routed have applicable hazardous waste management policies and programs which must be fulfilled.

For your reference, the following items have been enclosed:

40 CFR 260.20, 22, and Appendix I;
261.2, 3, 4, 6, and 31;
262;
263.20 and 21; and
264.71

Should you have any questions regarding this matter, please contact Marcus G. Rivas of my staff. He may be contacted at (816) 374-6534. Thank you for bringing this matter to the attention of the United States Environmental Protection Agency.

Sincerely yours,

Katherine Biggs

for Robert L. Morby
Chief, Waste Management Branch
Air and Waste Management Division

Enclosures

cc: Richard Linzmaier, McDonnell Douglas Corporation
Sheldon Weinstein, Adcoat, Incorporated

ENCLOSURE (3)
PERCHLOROETHYLENE FROM CHEM MILL MASK LINE, REGULATORY STATUS
McDONNELL AIRCRAFT CO., ST. LOUIS, MO.

1. For chemical milling, a maskant is applied to sections of metal parts. The maskant product is a mixture of rubber-like polymers in a perchloroethylene carrier or thinner. This paint-like mixture is applied to metal parts and allowed to dry. As the parts dry, the perchloroethylene carrier evaporates and is captured in a vapor recovery hood. The hood discharges to a carbon absorption unit which is an air pollution control device. The captured perchloroethylene is then steam stripped from the carbon, the water is separated out, and the perchloroethylene is recovered in a purity equivalent to virgin solvent. In this process, the recovered perchloroethylene is not a spent material, a sludge, or a by-product. It is a co-product, analagous to sulfuric acid from a power plant scrubber or kerosene from petroleum refining. The EPA background documents published with the 4 Jan 85 regulations on secondary material recycling make the distinction between byproduct and co-product, and state that "these co-products are not (and were never intended to be) covered by the regulations."
2. Recovered perchloroethylene is packaged and shipped to California. The material is purchased by Adcoat, Inc. for approximately \$3.20 a gallon. Adcoat takes the recovered perchloroethylene from McDonnell Aircraft, which is essentially pure perchloroethylene plus about 0.015% water, and uses it directly as an ingredient (carrier) in new maskant. New maskant is then sold to McDonnell Aircraft and the cycle repeats. Perchloroethylene recovered from the chem mill mask vapor recovery system appears to meet all the conditions for handling as a material which is not a solid waste when recycled (40 CFR 261.2 (e)).
3. All of the perchloroethylene is reused. None of it is disposed of and no sludges or other products requiring disposal are created. The recovered perchloroethylene does not contain "inherently waste-like" materials defined in 40 CFR 261.2 (d). It is not used in a manner constituting disposal, used to produce products applied to the land, burned for energy recovery, used to produce a fuel, contained in fuels, or accumulated speculatively (40 CFR 261.2 (e)(2)(i-iii)). All of the material is recycled within a given year.
4. The perchloroethylene recovered from the vapor recovery system in St. Louis is used directly as a substitute for commercial perchloroethylene, without intervening reclamation processes (261.2 (e)(1)(ii)).
5. Records of perchloroethylene transactions are maintained by McDonnell Aircraft. These records will indicate that a) the recovered material has monetary value as a feedstock for new maskant, b) the perchloroethylene is handled as a material of value and is not allowed to leak, spill, or evaporate in an uncontrolled manner, and c) the material is not being accumulated speculatively. These records are of importance in supporting a claim that a secondary material is not a solid waste, in case of EPA or State enforcement action.